IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 26149 of 2006(K)

PETITIONER:

SINDHU K.G.,
ELITHRAMALIYIL HOUSE, SCRED MOUNT P.O.,
NAGAMPADOM, KOTTAYAM.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

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1. KUMARANALLUR GRAMA PANCHAYAT,
KUMARANALLUR P.O., KOTTAYAM, REPRESENTED BY ITS
SECRETARY.

2. THE DISTRICT COLLECTOR, KOTTAYAM.

3. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM.

BY G.P. SRI,MATHEW G.VADAKKAL

BY ADV. SRI.MATHEW PHILIP EDAPPALLIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 26149 of 2006

Dated this 6th day of December, 2006

JUDGMENT

This writ petition has been filed by the petitioner, who was contractor to the first respondent Panchayat for supply of drinking water to the inhabitants of the Panchayat, complaining that a sum of Rs.1,43,680/- is due to the petitioner by way of balance towards the execution of contract already made.

2. The first respondent Panchayat has filed a counter affidavit, which will show that correctness of the amounts claimed by the petitioner is not in dispute. The Panchayat seems to be relying on the last clause in Ext.R1(a), which is to the effect that payment will be made on the basis of the availability of funds. The submission of the learned counsel for the Panchayat is that it is for the Collector to make available necessary funds. According to him, Ext.R1(d) Resolution was passed by the Panchayat and forwarded to the Collector requesting for release of funds. Ext.R1(d) was followed by Ext.R1(g). In Exts.R1(d) and R1(g) it is conceded that sum of

Rs.1,43,680/- is payable to the petitioner.

3.The learned Government Pleader submits that he was supplied with a copy of the counter affidavit filed by the Panchayat only today. He seeks time to get instructions from the 2nd respondent. Since the liability of the first respondent Panchayat to the petitioner is conceded by the Panchayat itself, I am of the view that the petitioner can be given relief straightway by directing the Panchayat to make payments. The District Collector (2nd respondent) of course will take an early decision on Exts.R1(d) and R1(g). Under these circumstances, this writ petition will stand disposed of with the following directions:

The first respondent Panchayat is directed to pay a sum of Rs.1,43,680/- claimed by the petitioner to the petitioner within two months of receiving a copy of this judgment. The District Collector will take a decision on Exts.R1 (d) and R1 (g) within one month of receiving a copy of this judgment.

PIUS C.KURIAKOSE
Judge

dpk